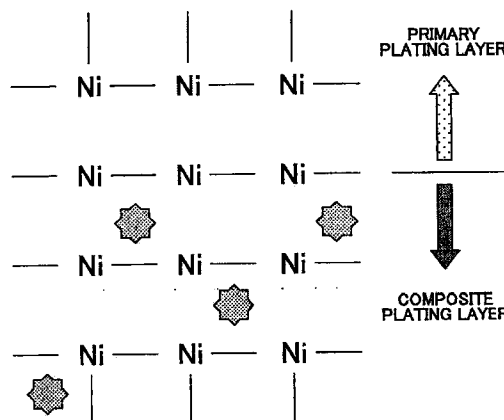


200757) (“Kamitakahara”).¹ This rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 1 recites a “heat insulating stamper with a pattern on a surface thereof for use in molding an optical disc substrate” that includes an “uppermost section made of a metal material,” a “lowermost section made of the same material as the uppermost section,” and a “middle section having a heat conductivity lower than the uppermost section.” The middle section includes the “same metal material as the uppermost and lowermost sections” and “heat insulating portions dispersed in the metal material of the middle section.”

The claimed configuration is important because it “not only solves the strength problem [of the prior art heat insulating stamper], but also eliminates the need for the high temperature curing.” Specification, pg. 19, lines 17-19. Additionally, the fact that the “heat insulating portions are dispersed *in* the metal material of the middle section,” as shown, for example in FIG. 9 (reproduced below for convenience), allows the interface between the Ni layer and the polymer layer (of the related art) to be eliminated. See, Specification, pg. 24, lines 20-23.

FIG.9



¹ Applicants note that although the rejection states that it is over Murata in view of Murata (JP 2002-184046), that the entire rejection discusses the Kamitakahara reference; thus, Applicants presume this rejection is over Murata in view of Kamitakahara.

As admitted by the Office Action, Murata does not disclose, teach or suggest that the “heat insulating portions [are] dispersed in the metal material of the middle section,” as in the claimed invention. Office Action, pg. 4. Instead, the Office Action relies on Kamitakahara as disclosing this limitation. Applicants respectfully submit that these references are not properly combinable in the manner suggested by the Examiner.

The Office Action states that the motivation to combine the heat insulating layer of Kamitakahara with the stamper of Murata is “to prevent the generation of uneven flaws or transfer irregularities in the fine pattern of the substrate for the data.” Office Action, pg. 5. However, Applicants submit that this is a problem specific to flexible and rolled form stampers. The stamper of Murata is not a rolled form stamper (see e.g., FIG. 10), and thus this problem that is being solved by Kamitakahara is not relevant to Murata. Additionally, the stamper of Murata already includes a heat insulating layer. One skilled in the art would not be motivated to look outside of Murata to find a different heat insulating layer to provide the same function of thermal insulation that is already included.

Finally, even if the references are properly combinable (which Applicants do not concede), Applicants submit that they still do not disclose, teach or suggest the claimed invention. The Office Action points to FIG. 5M of Murata as disclosing the uppermost, middle and lowermost sections being formed of the same metal material. Office Action, pg. 3-4. Applicants note that the Office Action relies on all of layers 31, 36, 33 and 34 as disclosing the claimed stamper, in order to show three layers each formed of nickel. However, if the rejection must rely on all of these layers 31, 36, 33 and 34, then it does not disclose a stamper having each of uppermost, middle and lowermost sections being formed of the same metal material *and* the claimed “pattern on a surface thereof for use in molding an optical disc substrate.” As can be seen from the figure, FIG. 5M includes *both* the mother portion 31 and the heat insulated stamper 21 (FIG. 5N).

In response to Examiner’s argument that claim 1 includes the language “comprising” and thus the structure can include further apparatus element (Office Action, pg. 9), Applicants note that this is not the argument that is asserted. Applicants do not state that there are additional apparatus

elements in Murata, but that if Murata is interpreted to read on the claim as asserted by the Examiner, then the claim is not disclosed. Specifically, if layers 31, 36, 33 and 34 are interpreted as disclosing the claimed stamper, then it does not have the claimed “pattern on a surface thereof for use in molding an optical disc substrate.” There is no patterned surface in the combination of layers 31, 36, 33 and 34 of Murata which can be used for molding an optical disc substrate. Murata does not disclose, teach or suggest a *single* stamper (having a usable pattern) which includes uppermost, middle and lowermost sections each formed of the same metal material. Further, in the claimed invention, there is no interface between the sections, as the heat insulating portions dispersed in the metal material of the middle section and the middle section is not a separate layer. Neither Murata nor Kamitakahara discloses this limitation.

Accordingly, claim 1 is allowable over the cited combination. Claims 2-4 and 6-8 depend from claim 1 and are allowable along with claim 1. As such, Applicants respectfully request that the rejection of claims 1-4 and 6-8 be withdrawn and the claims allowed.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Murata in view of Kamitakahara and further in view of Fujita (JP 2001-297488) (“Fujita”). This rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 5 depends from claim 1, which is allowable over Murata for at least the reasons discussed above. Fujita is relied upon as teaching that “the concentration of heat resisting substances varies in a depth direction of the insulating layer.” Office Action, pg. 6. Fujita does not remedy the deficiencies of the Murata/Kamitakahara combination as to claim 1. Accordingly, claim 1, along with claim 5, is allowable over the cited combination. Applicants respectfully request that the rejection of claim 5 be withdrawn and the claim allowed.

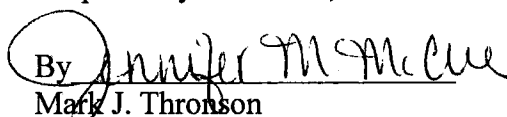
Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Murata in view of Kamitakahara and further in view of Shibata (JP 2002-083450) (“Shibata”). This rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 9 depends from claim 1, which is allowable over Murata for at least the reasons discussed above. Shibata is relied upon as teaching that the "heat resisting inorganic material used in the insulating layer comprises zirconia series, alumina series, silicon carbides series, or silicon nitride series." Office Action, pg. 7. Shibata does not remedy the deficiencies of the Murata/Kamitakahara combination as to claim 1. Accordingly, claim 1, along with claim 9, is allowable over the cited combination. Applicants respectfully request that the rejection of claim 9 be withdrawn and the claim allowed.

In view of the above, Applicants believe the pending application is in condition for allowance.

Dated: December 24, 2008

Respectfully submitted,

By 
Mark J. Thronson
Registration No.: 33,082
Jennifer M. McCue
Registration No.: 55,440
DICKSTEIN SHAPIRO LLP
1825 Eye Street, NW
Washington, DC 20006-5403
(202) 420-2200
Attorneys for Applicants